

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LANARD TOYS LIMITED)

Plaintiff,)

v.)

DOLLAR GENERAL CORPORATION,)
DOLGENCORP, INC. and BETTERWAY)
INDUSTRIAL COMPANY,)

Defendants.)
-----X

Civil Action No. 07 Civ. 1981 (MGC)

MEMO ENDORSED

**PLAINTIFF'S NOTICE OF MOTION AND MOTION *IN LIMINE* TO EXCLUDE
TESTIMONY OF ROBERT STEPHENSON AND CLAYTON KLUTTS**

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. 26(a)(3)(A)(i), 26(e) and 37 and Individual Practices of Judge Miriam Goldman Cedarbaum Rule 5(a), and based on its Memorandum in Support of Plaintiff's Motion *in Limine* to Exclude Testimony of Robert Stephenson and Clayton Klutts and the Declaration of Paul J. Reilly in support thereof, and upon prior pleadings herein and such oral argument as may be heard at the United States Courthouse, Southern District of New York, before the Honorable Miriam G. Cedarbaum, Plaintiff Lanard Toys, Ltd. ("Lanard") will and hereby does move on July 6, 2009 at the Pretrial Conference, or such other date set by the Court, for an Order from the Court granting Lanard's motion *in limine* precluding Defendants Dollar General Corporation and/or Dolgencorp, Inc. (collectively the "Dollar Defendants") from introducing witnesses Robert Stephenson and Clayton Klutts at trial.

Motion granted.
So ordered
July 6, 2009

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United States District Judge

NY02:660645.1

Close Motion